UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/1034 (1995)
21 December 1995

RESOLUTION 1034 (1995)

Adopted by the Security Council at its 3612th meeting,
on 21 December 1995

The Security Council,

Reaffirming all its earlier relevant resolutions on the situation in Bosnia and Herzegovina, including its resolution 1019 (1995) of 9 November 1995 and condemning the Bosnian Serb party's failure, despite repeated calls that it should do so, to comply with the demands contained therein,

Having considered the report of the Secretary-General pursuant to resolution 1019 (1995) on violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most of 27 November 1995 (S/1995/988),

Gravely concerned at the information contained in the above-mentioned report that there is overwhelming evidence of a consistent pattern of summary executions, rape, mass expulsion, arbitrary detentions, forced labour and large-scale disappearances,

Reiterating its strong support for the work of the International Tribunal established pursuant to its resolution 827 (1993) of 25 May 1993,

Noting that the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex) initialled at Dayton, Ohio, on 21 November 1995 provides that no person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina,

Condemning the failure of the Bosnian Serb party to comply with their commitments in respect of giving access to displaced persons and to persons detained or reported missing,

Reiterating its concern expressed in the statement of its President of 7 December 1995 (S/PRST/1995/60),

Deeply concerned by the plight of hundreds of thousands of refugees and displaced persons as a result of hostilities in the former Yugoslavia,

1. Strongly condemns all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia and demands that all concerned comply fully with their obligations in this regard and reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

2. Condemns in particular in the strongest possible terms the violations of international humanitarian law and of human rights by Bosnian Serb and paramilitary forces in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most as described in the report of the Secretary-General of 27 November 1995 and showing a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances;

3. Notes with the utmost concern the substantial evidence referred to in the report of the Secretary-General of 27 November 1995 that an unknown but large number of men in the area of Srebrenica, namely in Nova Kasaba-Konjevic Polje (Kaldrumica), Kravice, Rasica Gai, Zabrde and two sites in Karakaj, and possibly also in Bratunac and Potocari, have been summarily executed by Bosnian Serb and paramilitary forces and condemns in the strongest terms the commission of such acts;

4. Reiterates its strong support for the efforts of the International Committee of the Red Cross (ICRC) in seeking access to displaced persons and to persons detained or reported missing and calls on all parties to comply with their commitments in respect of such access;

5. Reaffirms its demand that the Bosnian Serb party give immediate and unimpeded access to representatives of the United Nations High Commissioner for Refugees, the ICRC and other international agencies to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka and Sanski Most who are within the areas of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the ICRC (i) to visit and register any persons detained against their will, whether civilians or members of the forces of Bosnia and Herzegovina, and (ii) to have access to any site it may deem important;

6. Affirms that the violations of humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most from July to October 1995 must be fully and properly investigated by the relevant United Nations and other international organizations and institutions;

7. Takes note that the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 issued on 16 November 1995 indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic for their direct and individual responsibilities for the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995;

8. Reaffirms its demand that the Bosnian Serb party give immediate and unrestricted access to the areas in question, including for the purpose of the investigation of the atrocities, to representatives of the relevant United Nations and other international organizations and institutions, including the Special Rapporteur of the Commission on Human Rights;

9. Underlines in particular the urgent necessity for all the parties to enable the Prosecutor of the International Tribunal to gather effectively and swiftly the evidence necessary for the Tribunal to perform its task;

10. Stresses the obligations of all the parties to cooperate with and provide unrestricted access to the relevant United Nations and other international organizations and institutions so as to facilitate their investigations and takes note of their commitment under the Peace Agreement in this regard;

11. Reiterates its demand that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

12. Reiterates further its demand that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia, comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal and calls on them to create the conditions essential for the Tribunal to perform the task for which it has been created, including the establishment of offices of the Tribunal when the latter deems it necessary;

13. Reiterates its demand that all detention camps throughout the territory of Bosnia and Herzegovina should be immediately closed;

14. Urges the parties to ensure full respect for the norms of international humanitarian law and of human rights of the civilian population, living in the areas in Bosnia and Herzegovina now under their control, which under the Peace Agreement will be transferred to another party;

15. Condemns the widespread looting and destruction of houses and other property, in particular by HVO forces in the area of Mrkonjic Grad and Sipovo, and demands that all sides immediately stop such action, investigate them and make sure that those who violated the law be held individually responsible in respect of such acts;

16. Demands that all sides refrain from laying mines, in particular in those areas now under their control, which under the Peace Agreement will be transferred to another party;

17. Urges Member States to continue to assist the efforts of the United Nations, humanitarian agencies and non-governmental organizations under way in the former Yugoslavia to alleviate the plight of hundreds of thousands of refugees and displaced persons;

18. Also urges all the parties to the conflicts in the territory of the former Yugoslavia to fully cooperate with these efforts with the view to create conditions, conducive to the repatriation and return of refugees and displaced persons in safety and dignity;

19. Requests the Secretary-General to keep the Council regularly informed on progress reached in the investigation of the violations of international humanitarian law referred to in the report mentioned above;

20. Decides to remain actively seized of the matter.

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S/RES/1035 (1995)
21 December 1995

RESOLUTION 1035 (1995)

Adopted by the Security Council at its 3613th meeting,
on 21 December 1995

The Security Council,

Recalling its resolution 1031 (1995) of 15 December 1995,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex),

Having further nsidered the report of the Secretary-General of 13 December 1995 (S/1995/1031),

1. Approves the report of the Secretary-General and the proposals for involvement by the United Nations in the implementation of the Peace Agreement contained therein;

2. Decides to establish, for a period of one year from the transfer of authority from the United Nations Protection Force to the multinational implementation force (IFOR), a United Nations civilian police force to be known as the International Police Task Force (IPTF) to be entrusted with the tasks set out in Annex 11 of the Peace Agreement and a United Nations civilian office with the responsibilities set out in the report of the Secretary-General, and to that end endorses the arrangements set out in the report of the Secretary-General;

3. Notes with satisfaction that the IPTF and the United Nations civilian office will be under the authority of the Secretary-General and subject to coordination and guidance as appropriate by the High Representative, welcomes the Secretary-General's intention to appoint a United Nations Coordinator, and requests the Secretary-General to submit to the Council, at least every three months, reports about the work of the IPTF and of the civilian office accordingly;

4. Decides to remain seized of the matter.

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